

REMARKS

In reply to the Office Action dated April 7, 2005, favorable reconsideration is respectfully requested. Claims 18-22 are currently under examination in the Application. By the above amendment, claims 19-20 have been canceled and claim 18 has been amended. The above amendment is not to be construed as acquiescence to the stated grounds for objection/rejection and is made without prejudice to prosecution of any subject matter modified and/or removed by this amendment in a related divisional, continuation and/or continuation-in-part application.

Applicants thank the Examiner for acknowledgement of the Information Disclosure Statements filed February 9, 2001 (which was resubmitted as part of the Fourth Supplemental IDS filed 12/22/04), October 17, 2001, May 10, 2002, and December 22, 2004. However, Applicants note that a Second Supplemental Information Disclosure Statement was filed October 22, 2001 that has not yet been acknowledged. Applicants respectfully request acknowledgement of the IDS filed October 22, 2001.

***Rejections Under 35 U.S.C. § 102***

Claims 18-20 and 22 stand rejected as allegedly being anticipated under 35 U.S.C. § 102(e) over Hillman *et al.* (U.S. Patent No. 6,020,478 filed 2/28/97), as evidenced from Cruse *et al.* (Illustrated Dictionary of Immunology, CRC Press, New York, pg. 241, 1995). According to the Examiner, Hillman *et al.* describes a polypeptide, SEQ ID NO: 1, which is allegedly identical to Applicants claimed SEQ ID NO: 114, and further describes that polyclonal antibodies to the polypeptide can be made. Also according to the Examiner, Cruse *et al.* teaches that polyclonal antibodies bind to many different epitopes on an antigen as a natural consequence of an immune response. The Examiner concludes that the claimed invention is anticipated because one would expect the polyclonal sera as described by Hillman *et al.* to contain antibodies to the particular epitopes recited in Applicants' claimed invention.

Applicants respectfully traverse this rejection and submit that the claimed invention is novel over the cited references. For purposes of expediting prosecution of the subject application to allowance, however, Applicants have canceled claims 19 and 20, and have amended claim 18 to specify that the antibodies of the claimed compositions are monoclonal

antibodies. As the monoclonal antibodies of previously presented claim 21 have been allowed by the Examiner, and as the above amendment to claim 18 incorporates subject matter indicated by the Examiner as allowable, it is respectfully submitted that claim 18 is allowable. Reconsideration of the Examiner's rejection is respectfully requested.

***Rejections Under 35 U.S.C. § 103***

Claims 18-20 and 22 stand rejected as allegedly being obvious under 35 U.S.C. § 103(a) over Hillman *et al.* (U.S. Patent No. 6,020,478 filed 2/28/97), as evidenced from Cruse *et al.* (Illustrated Dictionary of Immunology, CRC Press, New York, pg. 241, 1995), and further in view of Gillies (U.S. Patent No. 5,650,150, issued 7/97). According to the Examiner, Hillman *et al.* describes a polypeptide, SEQ ID NO: 1, which is identical to Applicants claimed SEQ ID NO: 114, and further describes that polyclonal antibodies to the polypeptide can be made. Also according to the Examiner, Cruse *et al.* teaches that polyclonal antibodies bind to many different epitopes on an antigen as a natural consequence of an immune response. Gillies, according to the Examiner, describes a fusion protein comprising an anti-tumor antibody and a cytokine for the treatment of cancer. The Examiner concludes that it would have been obvious to the skilled artisan to have produced a composition comprising a polyclonal antibody to SEQ ID NO: 1 of Hillman *et al.* and a cytokine, and that such polyclonal antibodies would comprise antibodies that bound the epitopes recited in Applicants' claimed invention.

Claims 18-20 and 22 also stand rejected as allegedly being obvious under 35 U.S.C. § 103(a) over Hillman *et al.* (U.S. Patent No. 6,020,478 filed 2/28/97), as evidenced from Cruse *et al.* (Illustrated Dictionary of Immunology, CRC Press, New York, pg. 241, 1995), and further in view of Fujiwara *et al.* (Cancer Chemother. Pharmacol. 38:S22-26, 1996). According to the Examiner, Hillman *et al.* describes a polypeptide, SEQ ID NO: 1, which is identical to Applicants claimed SEQ ID NO: 114, and further describes that polyclonal antibodies to the polypeptide can be made. Also according to the Examiner, Cruse *et al.* teaches that polyclonal antibodies bind to many different epitopes on an antigen as a natural consequence of an immune response. Fujiwara *et al.*, according to the Examiner, teaches the treatment of tumors with IL-12. The Examiner concludes that it would have been obvious to the skilled artisan to have produced a composition comprising a polyclonal antibody to SEQ ID NO: 1 of Hillman *et al.* and an IL-12

cytokine, and that such polyclonal antibodies would comprise antibodies that bound the epitopes recited in Applicants' claimed invention.

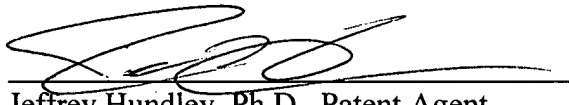
Applicants respectfully traverse these rejections under 35 U.S.C. § 103(a) and submit that the claimed invention is not obvious over the cited references. For purposes of expediting prosecution of the subject application to allowance, however, Applicants have canceled claims 19 and 20, and have amended claim 18 to specify that the antibodies of the claimed compositions are monoclonal antibodies. As the monoclonal antibodies of previously presented claim 21 have been allowed by the Examiner, and as the above amendment to claim 18 incorporates subject matter indicated by the Examiner as allowable, it is respectfully submitted that claim 18 is allowable. Reconsideration of the Examiner's rejection is respectfully requested.

The Commissioner is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

All of the claims remaining in the application are now believed to be in condition for allowance. Favorable consideration is respectfully requested.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC



Jeffrey Hundley, Ph.D., Patent Agent  
Registration No. 42,676

JEH:teb

Enclosure:

Postcard

701 Fifth Avenue, Suite 6300  
Seattle, Washington 98104-7092  
Phone: (206) 622-4900  
Fax: (206) 682-6031

585840\_1.DOC